

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1967 (Zbur) – As Amended March 25, 2026

SUBJECT: Juveniles

SUMMARY: Requires a social worker to assess a minor’s custodial parents’ home during a safety assessment when an application alleging abuse and neglect has been submitted and the minor is in a residential facility. Adds deadlines to the process governing when the juvenile court would be required to review the decision of a social worker not to file a petition to commence juvenile proceedings. Specifies conditions under which a nonminor former foster youth with a failed guardianship is authorized to enter into a voluntary reentry agreement (VRA) in order to establish foster care benefits, and when existing benefits may be suspended. Specifically, **this bill:**

- 1) Requires a social worker when an application in the form of an affidavit alleging abuse or neglect is submitted to commence juvenile proceedings by a minor on their own behalf or by the minor’s attorney, and the minor is currently residing at a residential facility for children and youth, to also assess the safety of the home of those who hold custodial rights of the minor when conducting a safety assessment or substitute care provider safety assessment.
- 2) Authorizes the affidavit to be submitted to the social worker by mail, facsimile, or electronic mail.
- 3) Requires the juvenile court, if a minor or their attorney has applied on the minor’s own behalf to the social worker to commence juvenile court proceedings, and the social worker does not file a petition within three weeks after the application, and the minor has applied to the juvenile court to review the decision of the social worker, to review the decision and either affirm the decision or order the social worker to commence juvenile court proceedings within 14 days of the minor’s application to the court for review.
- 4) Removes requirement for a nonminor to no longer be receiving aid from their relative guardian under the Kinship Guardianship Assistance Payment (Kin-GAP) Program or from their nonrelative guardian under Aid to Families with Dependent Children-Foster Care (AFDC-FC) in order to petition the court for re-entry into foster care as a nonminor dependent (NMD) but retains the condition that the guardian must no longer be providing ongoing support.
- 5) Defines “ongoing support” to mean material financial support provided to the nonminor on a continuing basis, and may include, but is not limited to, housing, food, clothing, tuition, payment for treatment or services, or other in-kind or cash assistance provided directly to or for the benefit of the nonminor. “Ongoing support” does not include incidental or de minimis assistance.
- 6) Specifies that a nonminor former foster youth with a failed guardianship who petitions the court for re-entry as an NMD, may enter into a VRA to establish eligibility for AFDC-FC benefits before or after filing a petition to assume dependency jurisdiction if either of the following applies:

- a) The nonminor's guardian, or adoptive parent, as applicable, have died; or,
 - b) The nonminor is no longer receiving ongoing support from the nonminor's guardian adoptive parent.
- 7) Requires the juvenile court, if the nonminor enters into a VRA, to order that any benefits being paid on behalf of the nonminor under Kin-GAP, AFDC-FC, or the Adoption Assistance Program (AAP) be suspended, in accordance with the procedures for terminating benefits, until the juvenile court determines that it should not assume dependency jurisdiction over the nonminor or until the juvenile court terminates dependency jurisdiction over the nonminor subsequent to assuming dependency jurisdiction over the nonminor, as applicable. Clarifies that the suspension of payments does not authorize or require an accounting or investigation regarding the use of payments made prior to the suspension.
 - 8) Provides that the suspension of benefits shall be effective as of the date the nonminor executes the VRA, unless the court specifies a different effective date not later than the first day of the next benefit cycle.
 - 9) Requires the placing agency to, within one business day of execution of the VRA, provide electronic notice of suspension to the appropriate payment system or systems and payor, or payors, to prevent further disbursements.
 - 10) Specifies that any overpayment made after the effective date of suspension is recoverable from the payee that received the disbursement and shall not create any liability for the nonminor.
 - 11) Clarifies that an order or action taken to suspend these benefits suspends disbursements only and shall not be construed as a termination of an adoption assistance agreement or Kin-GAP eligibility under federal or state law.
 - 12) Authorizes the California Department of Social Services (CDSS) to, notwithstanding the rulemaking provisions of the Administrative Procedure Act, implement the changes made by means of all-county letters or similar instructions from the department until January 1, 2028.
 - 13) Makes technical amendments.

EXISTING LAW:

- 1) Outlines who can request juvenile proceedings to commence and the process to initiate the request. Requires, when a person applies to the social worker to commence proceedings in the juvenile court, the application be in the form of an affidavit alleging that there is a child who falls under the jurisdiction of the juvenile court for protection from abuse or neglect, which includes the supporting facts. Requires the social worker to immediately investigate to determine whether proceedings in the juvenile court should be commenced. Requires, if the social worker does not file a petition in the juvenile court within three weeks after the application, the social worker to formally respond regarding the decision not to proceed further and the reasons, and to immediately notify the applicant of the action taken or the decision rendered. (Welfare and Institutions Code [WIC] § 329)

- 2) Establishes a timeline and next steps once an application to the social worker has been made, and the process to challenge a social worker's decision not to file a dependency petition. Specifies that if the social worker does not file a petition within three weeks after the application, the person may, within one month after making the application, apply to the juvenile court to review the decision of the social worker, and the court may either affirm the decision of the social worker or, if it finds that the child is, prima facie, a child who falls under the jurisdiction of the juvenile court for protection from abuse or neglect, order the social worker to commence juvenile court proceedings. (WIC § 331)
- 3) Establishes conditions for nonminors with failed guardianships to re-enter foster care and authorizes former dependents to petition the court to re-enter foster care under the following conditions:
 - a) Nonminors who were receiving Kin-GAP or AFDC-FC after 18 years of age and whose guardian(s) died;
 - b) Nonminors who were receiving AAP or AFDC-FC whose former guardian(s) no longer provide ongoing support to, and no longer receive aid on behalf of the nonminor after 18 years of age but before attaining 21 years of age;
 - c) Nonminors who were adopted and received AAP but whose adoptive parent(s) died after the nonminor was 18 years of age but before attaining 21 years of age; and,
 - d) Nonminors who were adopted and received AAP but whose adoptive parent(s) are still living but are no longer providing ongoing support to, and no longer receive benefits on behalf of the nonminor after they reached 18 years of age but before they attain 21 years of age. (WIC § 388.1(a))
- 4) Authorizes a nonminor described in 3) above, to enter into a VRA in order to establish eligibility for foster care benefits before or after filing a petition to with the court and specifies that if the nonminor enters into a VRA prior to filing the petition, they are entitled to placement and supervision pending the court's assumption of jurisdiction. (WIC § 388.1(e))
- 5) Defines a "residential facility" to mean any family home, group care facility, or similar facility determined by CDSS, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (Health and Safety Code [HSC] § 1502(a)(1))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Background: *Initiation of Juvenile Court Proceedings.* When a report of potential abuse or neglect of a minor is not made using a standard Child Protective Services report by either a mandated reporter or a member of the general public, a person can submit an application to a social worker to commence proceedings in the juvenile court where it can be decided whether the minor should become a dependent of the court. The court then decides on a placement that is

in the child's best interest, which can include foster care. The applicant must file an affidavit setting forth facts supporting the need for juvenile court involvement. The social worker is then required to conduct an immediate investigation and reach a decision within three weeks. If the social worker decides not to file a petition, they must inform the applicant of the decision and the reasons, and they may instead recommend seeking probate guardianship. This process can also include referrals from the probate court where a minor may be under guardianship and there are concerns about child safety and the fitness of their caregiver. If the social worker fails to act or refuses to file a petition, the applicant may seek a review of this decision.

This bill clarifies the application to commence juvenile proceedings can be submitted to the social worker by mail, facsimile, or electronic mail and that when an application is submitted, either by a minor on their own behalf or by the minor's attorney, if the minor is currently living in a residential facility for children, the social worker must also assess the safety of the custodial parents' home as part of their investigation. The Author and sponsors assert that the conditions of the custodial parents' home are what should be considered as part of the decision to initiate juvenile proceedings, not the conditions of the residential facility.

Review of the Social Worker's Decision. Current law provides a formal process to challenge a social worker's decision not to file a dependency petition which allows a judge to review the facts independently. If someone has already formally asked a social worker to investigate and they either refuse to file a petition or fail to act within three weeks, existing law provides one month from the date of the original request to ask the juvenile court to review the social worker's decision. A judge will then look at the facts of the case to decide if the youth requires the court's protection, despite the social worker's decision. After this review, the judge can either agree with the social worker's decision or overrule it by ordering them to start legal proceedings immediately.

This bill adds to the existing timeline provided in the review framework described above by placing a 14-day requirement from the date of the application for the court to review the decision and either affirm the decision or order the social worker to commence juvenile court proceedings.

The Kinship Guardian Assistance Payment Program is an option for foster youth to permanently stay in a long-term placement with relatives, allowing them to officially exit foster care and live with a legal guardian who is a relative, while continuing to receive financial support and healthcare. Kin-GAP is an alternative for foster youth to find a permanent home without using the formal adoption process. This middle ground allows relatives of a youth to provide their loved one a legal, permanent home with freedom from the intrusiveness and rigor of the foster care system without having to go through the adoption process.

Once Kin-GAP is established, the juvenile court typically dismisses the dependency case, meaning social worker supervision and regular court hearings end. To qualify for Kin-GAP, all of the following must be met:

- The youth must be a dependent or ward (probation) of the juvenile court;
- The youth must have lived in the approved home of the relative for at least six consecutive months while under court jurisdiction;

- The relative guardian must sign a written agreement with the county *before* the guardianship is legally established by the court; and,
- The juvenile court must appoint the relative as the legal guardian and subsequently terminate dependency.

While Kin-GAP typically ends at 18 years of age, it can be extended up to 19 years of age if the youth is attending high school or a GED program full-time and is expected to graduate before they attain 19 years of age. Youth with a documented physical or mental disability are allowed to receive Kin-GAP up to 21 years of age as are youth who entered Kin-GAP at 16 years of age or older as long as they meet work or education requirements such as working 80 hours a month or attending college. Kin-GAP guardians receive a monthly stipend approximately equal to the foster care rate the child received, and the youth remain eligible for Medi-Cal.

There are two different types of Kin-GAP: federal Kin-GAP which includes close family friends (nonrelative extended family members or NREFMs) who are not related by blood but have a significant bond with the youth; and state Kin-GAP which is restricted to relatives related by blood, marriage, or adoption within the fifth degree. NREFMs do not qualify for state-funded Kin-GAP. If one child in a sibling group is federally eligible, their non-eligible siblings can also receive federal Kin-GAP benefits as long as they are placed with the same relative under the same agreement.

With federal Kin-GAP, a formal agreement is required to be signed before the guardianship is legally established by the court. If a guardian fails to sign the agreement before the court date, they may only be eligible for the state-funded version. Federal Kin-GAP is funded by Title IV-E federal dollars along with state and county funds while state Kin-GAP is funded entirely by state and county dollars with an approximate 75% state, 25% county share.

Process for Nonminors to Re-enter Foster Care. When former foster youth between 18 and 20 years of age find themselves in a failed guardianship or adoption, these nonminors are permitted to petition the juvenile court to re-enter foster care if specific conditions exist. Currently, a nonminor who is receiving Kin-GAP or AAP payments whose former guardian or adoptive parent died or no longer provides ongoing support to and is no longer receiving aid on behalf of, is permitted to petition the court. *This bill* would strike the requirement for these nonminors to no longer be in receipt of aid on behalf of the nonminor and instead specifies the nonminor must only have former guardians or adoptive parents who are no longer providing ongoing support. This distinction matters for those nonminors whose guardian or adoptive parent is still collecting Kin-GAP or AAP but is not providing ongoing support directly to the youth.

In the process of returning to foster care, a nonminor is required to complete both a VRA and a petition with each serving different purposes: the VRA is for immediate access to all of the benefits provided to youth in extended foster care and the petition is for official status as an NMD.

The VRA is an administrative contract between the nonminor and the child welfare agency and serves as an emergency bridge that allows counties to immediately provide foster care services including payments and housing once signed without having to wait for the court to formally re-establish dependency. Nonminors who sign a VRA are required to follow a transitional living plan and to allow the county to supervise their placement and the agreement lasts until the court date for the petition to officially re-enter foster care is considered.

The petition is a formal legal request filed with the juvenile court to resume jurisdiction as an NMD and is required to be filed within 15 judicial days of signing the VRA. The court reviews the nonminor's case to confirm all criteria has been met, such as the guardian no longer providing support, and that returning is in the youth's best interest. The provisions of *this bill* align the criteria for the VRA and the conditions to re-enter foster care so that youth are not inadvertently not eligible to re-enter foster care because their guardian or adoptive parent is still receiving Kin-GAP or AAP.

This bill also provides conditions for the court to suspend Kin-GAP or AAP benefits once the nonminor enters into a VRA which ensures that there are not "double payments" being provided for the same youth.

Author's Statement: According to the Author, "Young people in foster care who reach out for help are often doing so at a moment of crisis. Without swift access to services they face housing instability and homelessness, which significantly hinder their pursuit of higher education, meaningful employment, and self-sufficiency. This bill ensures that youth in foster care—who are disproportionately LGBTQ+, Black, Latino, and Native American—receive the timely support and crucial interventions required to care for them and keep them safe.

Specifically, [this bill] will ensure that the child welfare system does not leave these youth behind by ensuring that requests for intervention from vulnerable, older youth receive timely and responsive attention; eliminating barriers so that youth formerly in foster care, who need transitional services, are able to enter extended foster care when their guardian or adoptive parent is no longer providing support; and updating relevant code sections by replacing binary language with gender-neutral language."

Equity Implications: The provisions of *this bill* seek to ensure that former foster youth don't fall through the cracks just because their adoption or guardianship failed after they turned 18 years of age. By setting deadlines for social workers and judges to review reports of abuse, *this bill* guarantees that when youth ask for help they will not be ignored or delayed by bureaucracy. Additionally, allowing former foster youth whose former guardians are no longer providing ongoing support to sign VRAs to access housing and financial assistance provides a vital safety net that prevents homelessness and gives them the same second chance at stability that youth in intact families often take for granted. By requiring thorough home checks and clear paths back into support systems, the state takes active responsibility for the long-term safety and success of vulnerable young adults who have already faced significant trauma.

Double referral: This bill was previously heard in the Assembly Committee on Judiciary on March 17, 2026, and was approved on a 12-0 vote.

Arguments in Support: Co-sponsors, The Alliance for Children's Rights and California Coalition for Youth state, "Housing instability and homelessness significantly hinders pursuit of higher education, meaningful employment, and self-sufficiency. Ensuring timely entry into foster care and reentry into extended foster care are essential, as unaccompanied and former foster youth often need immediate support with housing, transportation, and food. Without swift access to these services, they face significantly higher risks of homelessness and of losing eligibility for critical programs designed to help them transition successfully into adulthood."

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 1712 (Beall), Chapter 846, Statutes of 2012, expanded the definition of “relative” for purposes of the federal Kin-GAP Program only.

AB 212 (Beall), Chapter 459, Statutes of 2011, authorized certain Kin-GAP recipients to continue to receive Kin-GAP aid after 18 years of age.

AB 12 (Beall), Chapter 559, Statutes of 2010, implemented the federal Kin-GAP Program in California and amended the state Kin-GAP Program, and reduced the amount of time a child has to live with a relative caregiver in order to qualify for Kin-GAP from 12 months to 6 months.

AB 1901 (McPherson), Chapter 1055, Statutes of 1998, established California’s Kin-GAP program.

REGISTERED SUPPORT / OPPOSITION:**Support**

Alliance for Children's Rights (Co-Sponsor)
California Coalition for Youth (Co-Sponsor)
3rd Street Youth Center & Clinic
Aspiranet
Bill Wilson Center
Bright Futures for Youth
California Alliance of Caregivers
California Court Appointed Special Advocate Association
Children Now
Children's Legal Services of San Diego
Equality California
Foster & Kinship Care Education, Woodland Community College
John Burton Advocates for Youth
Legacy Bridge CDC
Public Counsel
Sacramento LGBT Community Center
San Diego Youth Services
Seneca Family of Agencies
Sunita Jain Anti-Trafficking Initiative

Opposition

None on file.

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